

NORFOLK, VIRGINIA

ACTION OF THE COUNCIL

TUESDAY, FEBRUARY 25, 2014 – 7:00 P.M.

Prayer offered by Councilman Paul R. Riddick, followed by the Pledge of Allegiance.

The following members were present: Ms. Green, Mr. Riddick, Mr. Protogyrou, Mr. Smigiel, Dr. Whibley, Mr. Winn, Ms. Williams and Mr. Fraim.

President Fraim moved to dispense with the reading of the minutes of the previous meeting.

Motion adopted.

Yes: Green, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn and Fraim.

No: None.

CERTIFICATION OF CLOSED MEETING

A Resolution entitled, "A Resolution certifying a closed meeting of the Council of the City of Norfolk in accordance with the provisions of the Virginia Freedom of Information Act," was introduced in writing and read by its title.

ACTION: The Resolution as introduced was **adopted**, effective February 25, 2014.

Yes: Green, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn and Fraim.

No: None.

CEREMONIAL MATTER

Mayor Fraim recognized Thomas Scarpelli, Boy Scout Troop Leader, and Boy Scout Troop Number One, the oldest Troop in Virginia, who were present to celebrate 102 years of their existence.

INVITATIONS TO BID

IB-1

INVITATION TO BID scheduled this day under State law, public notice having been inserted in the local press by the City Clerk, to accept bids for a long term garage **Parking Agreement**, with a term of ten years, for residential parking in the **Boush Street Garage**.

Rick Henn, 1400 Granby Street, was present to answer questions and Alton Robinson, 735 West 35th Street, spoke concerning this matter.

Thereupon, An Ordinance entitled, “An Ordinance accepting the Bid submitted by **120 BROOK, L.L.C.**, for a long term garage parking agreement, with a term of ten years, for residential parking in the **Boush Street Garage**,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective March 28, 2014.

Yes: Green, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

IB-2

INVITATION TO BID scheduled this day under State law, public notice having been inserted in the local press by the City Clerk, to accept bids for a long term garage **Parking Agreement**, with a term of ten years, for residential parking in the **Freemason Street Garage**.

Rick Henn, 1400 Granby Street, was present to answer questions.

Thereupon, An Ordinance entitled, “An Ordinance accepting the Bid submitted by **JJB FINANCIAL L.L.C.**, for a long term garage parking agreement, with a term of ten years, for residential parking in the Freemason Garage,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective March 28, 2014.

Yes: Green, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Frain.

No: None.

IB-3

INVITATION TO BID scheduled this day under State law, public notice having been inserted in the local press by the City Clerk, to accept bids for a long term garage **Parking Agreement**, with a term of ten years, for residential parking in the **Boush Street Garage** and the **West Plume Street Garage**.

Rick Henn, 1400 Granby Street, was present to answer questions.

Thereupon, An Ordinance entitled, “An Ordinance accepting the Bid submitted by **SEABOARD BUILDING, L.L.C.**, for a long term garage parking agreement, with a term of ten years, for residential parking in the Boush Street Garage and the West Plume Street Garage,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective March 28, 2014.

Yes: Green, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Frain.

No: None.

PUBLIC HEARINGS

PH-1

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, on the application of **Christ's Sanctified Holy Church by Gary B. Collier** to **a)** amend the City's General Plan, *PlaNorfolk2030*, from Institutional to Single-Family Traditional and **b)** to change the zoning from IN-1 (Industrial District) to Conditional R-8 (Single-Family) on property located at **4820 Beamon Road**.

Gary Collier, 2701 Nevada Avenue, the applicant and Daniel Collins, 1125 Belvoir Lane, were present to answer questions.

Thereupon, an Ordinance entitled, "An Ordinance to amend the City's General Plan, *PlaNorfolk2030*, **SO AS TO** change the land use designation for property located at **4820 Beamon Road** from Institutional to Single-Family Traditional," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective February 25, 2014.

Yes: Green, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

PH-1A

Thereupon, an Ordinance entitled, "An Ordinance to rezone property located at **4820 Beamon Road** from IN-1 (Institutional) District to Conditional R-8 (Single-Family Residential) District," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective February 25, 2014.

Yes: Green, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

PH-2

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, on the application of **Karen B. Labonte**, for the closing, vacating and discontinuing a portion of Willoughby Bay Avenue west of 7th **View Street**.

Karen LaBonte, the applicant, 1522 West Ocean View Avenue, was present to answer questions.

Thereupon, an Ordinance entitled, “An Ordinance closing, vacating and discontinuing a portion of the northern half of **Willoughby Bay Avenue** at **705-709 West Ocean View Avenue**, and authorizing the conveyance by Quitclaim Deed to the abutting property owners of any interest the City may have in the underlying fee of said portion of **Willoughby Bay Avenue**, contingent upon the satisfaction of certain conditions,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective March 28, 2014.

Yes: Green, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

PH-3

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, on the application of **Mitchell T. Alberts**, for the closing, vacating and discontinuing a portion of **Inlet Point Road**.

Mitchell Alberts, the applicant, 2037 Inlet Point Road, was present to answer questions.

Thereupon, an Ordinance entitled, “An Ordinance closing, vacating and discontinuing an unnamed **10’ lane at Inlet Point Road** and authorizing the conveyance to the abutting property owners of any interest the City may have in the underlying fee of said unnamed **10’ lane at Inlet Point Road**, contingent upon the satisfaction of certain conditions,” was introduced in writing and read by its title.

Mitchell Alberts, the applicant, 2037 Inlet Road, was present to answer questions.

ACTION: The Ordinance as introduced was **adopted**, effective March 28, 2014.

Yes: Green, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

PH-4

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, to hear comments on **Lease Agreements**, with **Norfolk Public Schools, NIP Mentorship Program, Inc.**, and **Urban League of Hampton Roads**, as Lessees, for portions of the property known as **Huntersville Multi-Purpose Center** at **830 Goff Street**.

Thereupon, an Ordinance entitled, “An Ordinance approving **Lease Agreements**, with **Norfolk Public Schools, NIP Mentorship Program, Inc.**, and **Urban League of Hampton Roads**, as Lessees, for portions of the property known as **Huntersville Multi-Purpose Center** at **830 Goff Street**, in the City of Norfolk,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective March 28, 2014.

Yes: Green, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

PH-5

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, on the application of the **Historic and Architectural Preservation Committee**, for a series of Text Amendments to the **Zoning Ordinance** to establish an Architectural Review Board and revise and reorganize **Historic District Regulations**.

Mark Perreault, 950 Hanover Avenue, spoke in support of this matter.

The following proponents were present to support this matter.

Mary Miller, 201 Granby Street; Donna Phaneuf, 1033 North Shore Road and Greta Gustavson, 421 West Bute Street.

Thereupon, an Ordinance entitled, “An Ordinance to amend and reordain portions of Chapters, 2, 3, 8, 10, 11, 15, 18, 25 and all of Chapter 9 of the Zoning Ordinance of the City of Norfolk, 1992, in order to revise and reorganize regulations for **Historic Districts** and to establish an Architectural Review Board,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective April 1, 2014.

Yes: Green, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

PH-6

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, on the application of **Church Street Station by Luna Development**, to a) amend Map LU-1, "Future Land Use Map," in *plaNorfolk2030* from Industrial, Single Family Urban and Utility/Transportation to Multifamily, b) amend the *Zoning Ordinance* to add section 27-38, "Church Street Station Residential Planned Development" (PD-R Church Street Station) district and c) change the zoning from I-2 (Light Industrial), R-11 (Moderate Density Multi-Family) and RCO (Residential Compatibility Overlay) districts to PD-R Church Street Station district on properties numbered **2000 Church Street** and **1816-1824 O'keefe Street**.

(PASSED BY AT THE MEETING OF FEBRUARY 11, 2014)

The following proponents spoke concerning this matter:

Michael Glenn, the applicant, 629 Mayflower Road, Suzzane Puryer, 2312 Bay Oaks Place; Michael Stark, 530 Delaware Avenue; Dr. Carrier White, 1369 Botetourt Gardens; Shelia Walters, 726 Graydon Avenue and Jane Bethel, 7936 Merritt Street.

The following opponents spoke concerning this matter:

Terrance Simmons, 735 Fremont Street, President of the Old Huntersville Civic League; Beatrice Garvin –Thompson, 964 Washington Avenue, spoke in opposition to this matter, but is encouraged by the discussions that have transpired and the concessions that have been proposed by Luna and will not impede the project. Cynthia Powell, 765 Washington Avenue; James Daniel, 893 A Avenue; Phillip Hawkins, 3597 Mississippi Avenue and Alton Robinson, 735 West 35th Street.

ACTION: Public Hearing Closed - Continued to March 4, 2014.

Yes: Green, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

PH-7

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, to hear comments on a **Land Disposition and Development Contract (“LDDC”)** between the **City of Norfolk** and **Virginia Supportive Housing (“VSH”)**, a Virginia non-stock corporation for 1.2 acre parcel of real property located off **Church Street** in the **Huntersville** area.

(PASSED BY AT THE MEETING OF FEBRUARY 11, 2014)

The following proponents spoke concerning this matter:

Allison Bogdanovic, the applicant, 2425 Gosnold Avenue, Connie Hannah, 7467 Hampton Boulevard and Dennis Hustead, 3709 Llewellyn Avenue.

The following opponents spoke concerning this matter:

Doreesha Simmons and Terrance Simmons, 735 Fremont Street, James Daniel, 893 A Avenue and Alton Robinson, 735 West 35th Street.

ACTION: Public Hearing Closed - Continued to March 4, 2014.

Yes: Green, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

REGULAR AGENDA

R-1

Matter of a **PUBLIC HEARING** scheduled this day pursuant to action of the Council **October 22, 2013**, under the State law, public notice having been inserted in the local press by the City Clerk, on the application of **Tidewater Commerce Center** a) to amend the future land use map, “Map LU-1”, of the **City’s General Plan, *plaNorfolk 2030***, from Industrial to Commercial and b) for a change of zoning from I-1 (Limited Industrial) District to Conditional C-2 (Corridor Commercial) District on property located at **630 and 660 Tidewater Drive**.

(PASSED BY AT THE MEETINGS OF NOVEMBER 26, 2013, JANUARY 14, 2014 AND FEBRUARY 11, 2014)

Vince Mastracco, 150 Main Street, was present to answer questions.
Alton Robinson, 735 West 35th Street, spoke in opposition to this matter.

ACTION: The Ordinance as introduced was **adopted**, effective February 25, 2014.

Yes: Green, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

R-2

Letter from the City Manager and an Ordinance entitled, “An Ordinance to amend and reordain **Chapter 32, Article III** of the **Code of the City of Norfolk, Virginia, 1979**, **SO AS TO** reorganize the **Boards** which review **Certificates of Appropriateness** for **Historic Districts** and properties by creating the **Norfolk Architectural Review Board**, adjusting the Design Review process, and dissolving the **Norfolk Design Review Committee** and the **Norfolk Historic and Architectural Preservation Committee**,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective April 1, 2014.

Yes: Green, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

R-3

Letter from the City Manager and an Ordinance entitled, “An Ordinance authorizing **the City as Administrative and Fiscal Agent** for the **Norfolk Transitional Grant Area (TGA)** Under **Title I** of the **Ryan White Comprehensive Aids Resources Emergency (CARE) Act** to accept Part A grant funds in the amount of \$6,613,831.00 from the **U. S. Department of Health and Human Services** for **HIV/AIDS** health and support services and appropriating and authorizing expenditure of the grant funds,” was introduced in writing and read by its title.

Alton Robinson, 735 West 35th Street, spoke in opposition to this matter.

ACTION: The Ordinance as introduced was **adopted**, effective February 25, 2014.

Yes: Green, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

R-4

Letter from the City Manager and an Ordinance entitled, “An Ordinance to amend and reordain **Section 3 of Ordinance Numbered 45,306, SO AS TO** clarify and correctly describe the nature of the easement for ingress, egress and maintenance to be conveyed by **Hampton Roads Sanitation District** to the City of Norfolk,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective February 25, 2014.

Yes: Green, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

R-5

Letter from the City Manager and an Ordinance entitled, “An Ordinance permitting **Byrd & Baldwin Brothers, L.L.C.** to encroach into the **Brooke Avenue** right-of-way 12’ with a 5’-3’ wide canopy, the bottom of which will be 8’ above the sidewalk at **116 Brooke Avenue**,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective February 25, 2014.

Yes: Green, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

R-6

Letter from the City Manager and an Ordinance entitled, “An Ordinance approving an **Agreement** to permit **Hampton Roads Sanitation District** to construct improvements related to ensuring adequate wet weather sewer capacity in Norfolk and other localities belonging to **Hampton Roads Sanitation District**,” was introduced in writing and read by its title.

Dan Montague, 4605 Krick Street, spoke concerning this matter.

ACTION: The Ordinance as introduced was **adopted**, effective February 25, 2014.

Yes: Green, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

R-7

Letter from the City Manager and an Ordinance entitled, “An Ordinance accepting \$40,184.00 from the **Schools and Libraries Division** of the **Universal Service Fund E-Rate Grant Program** and appropriating and authorizing the expenditure of \$40,184.00 for telecommunications and technology services for the **Norfolk Public Library**,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective February 25, 2014.

Yes: Green, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

R-8

Letter from the City Manager and an Ordinance entitled, “An Ordinance approving a **Lease Agreement** between the **Starke Street, L.L.C.**, as **Lessor**, and **City of Norfolk**, as **Lessee**, for the Lease of property owned by **Starke Street, L.L.C.**; authorizing the City Manager to execute the **Lease Agreement** on behalf of the City of Norfolk; and authorizing the expenditure of a sum of up to \$41,316.00 from funds heretofore appropriated to cover the Lease payments for the remainder of the Fiscal Year 2013-2014,” was introduced in writing and read by its title.

Joe Austin, 215 Brooke Avenue, spoke in opposition to this matter.

Alton Robinson, 735 West 35th Street, was present, but did not speak.

ACTION: The Ordinance as introduced was **adopted**, effective February 25, 2014.

Yes: Green, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

R-9

Letter from the City Manager and an Ordinance entitled, “An Ordinance to grant a **Certificate of Appropriateness** for certain external alterations to a **Historic Building** located at **130 Brooke Avenue,**” was introduced in writing and read by its title.

Rick Henn, 1400 Granby Street, was present to answer questions.

Mark Perreault, 750 Hanover Avenue, spoke concerning this matter, encouraging the retention of the pergola.

ACTION: The Ordinance as introduced was **adopted**, effective February 25, 2014.

Yes: Green, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

R-10

Letter from the City Manager and an Ordinance entitled, “An Ordinance to schedule a **City Council** meeting on **Tuesday, March 18, 2014 at 7:00p.m.,**” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective February 25, 2014.

Yes: Green, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

NEW BUSINESS

1. Donald Hornstein, 1309 Stockley Gardens, spoke regarding his concerns regarding the building at 161 Granby Street.
2. Richard Luxford, 223 West Ocean View Avenue, Apt.14, spoke on various topics and asked Council to re-open the Hospitality Center for the mentally ill.
3. Dan Montague, 4605 Krick Street, asked Council to review the senior tax relief program.
4. Danny Lee Ginn, 3844 Dare Circle, commented on good government.
5. Jane Bethel, 7936 Merritt Street, commented on good government.